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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,141	03/15/2001	Yoichi Iki	108933	3052
25944	7590	03/15/2005	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			LE, MIRANDA	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/808,141	IKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Miranda Le	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 October 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-15 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ . 5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

1. This communication is responsive to Amendment B, filed 10/27/2004.
2. Claims 1-15 are pending in this application. Claims 1, 6, 7, 12 are independent claims.

In the Amendment, claims 1-15 have been amended; no claims have been added or cancelled.  
This action is made Final.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6-10, 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoi et al. (US Patent No. 6,704,465 B2).

Aoi anticipated independent claims 1, 6, 7, 12, by the following:

**As to claims 1, 7,** Aoi teaches “an image data acquiring section for acquiring microscope image data to be stored as a file” at col. 3, lines 25-57, col. 8, line 44 to col. 9, line 13;

“structure information setting section enabling a user to arbitrarily set beforehand structure information that defines structure of a file name by showing a file name setting screen on a display, the file name being given to the microscope image data acquired by the image data acquiring section when the microscope image data is stored in a memory” at col. 12, line 27 to col. 13, line 9, col. 9, line 42 to col. 10, line 30, col. 11, line 23 to col. 12, line 14;

“a name-generating section for acquiring, for each data acquired by said microscope image data acquiring section, information relating to said microscope image data, according to the structure information that is set by the structure information setting section, to automatically generate said file name using the acquired information” at col. 10, line 31 to col. 11, line 18;

“a managing section for storing the microscope image data acquired by the image data acquiring section, and for managing the stored microscope image data using the file names generated by the name-generating section” at col. 12, line 66 to col. 13, line 10.

**As to claims 6, 12,** Aoi teaches “an image data acquiring section for acquiring stored microscope image data to which a file name is given in advance” at col. 12, line 66 to col. 13, line 10;

“a structure information setting section enabling a user to arbitrarily set beforehand structure information that defines a structure of a virtual file name by showing a file name setting screen on a display, the virtual file name being given to the microscope image data acquired by the image data acquiring section when the microscope image data is stored in a memory” at col. 12, line 27 to col. 13, line 9, col. 9, line 42 to col. 10, line 30, col. 11, line 23 to col. 12, line 14;

“a name-generating section for acquiring, for each said microscope image data acquired by said image data acquiring section, information relating to said microscope image data, according to the structure information that is set by the structure information setting section, to automatically generate said virtual file name using the acquired information” at col. 10, line 31 to col. 11, line 18;

“a managing section for storing said microscope image data acquired by said image data acquiring section and for managing the stored microscope image data using the virtual file name generated by the name-generating section” at col. 12, line 66 to col. 13, line 10.

**As to claims 2, 8,** Aoi teaches “the image data acquiring section acquires stored microscope image data to which a file name is given in advance and associated information that is associated with the stored microscope image data” at col. 3, lines 25-57, col. 8, line 42 to col. 9, line 13;

“the name-generating section acquires, for each said microscope image data acquired by said image data acquiring section, information relating to said microscope image data, from said associated information according to the structure information that is set by the structure information setting section, to generate a new file name using the acquired information” at col. 10, line 31 to col. 11, line 18.

**As to claims 3, 9,** Aoi teaches “said structure information setting section shows the file name setting screen on the display in response to the user’s instruction before shooting, and sets

“said structure information according to the user’s input” at col. 10, line 31 to col. 11, line 18, col. 12, line 19 to col. 13, line 9.

**As to claims 4, 10,** Aoi teaches “a classifying condition setting section capable of setting arbitrarily a classifying condition to be used for classifying the microscope image data stored in the managing section into a plurality of groups” at col. 11, line 23 to col. 12, line 14;

“a classifying section for acquiring information corresponding to said classifying condition from the file names of the microscope image data stored in said managing section, to classify image data having the same said information acquired corresponding to said classifying condition into a same group” at col. 11, line 23 to col. 12, line 14, wherein

“said managing section manages, microscope image data stored therein in advance, in two ways, which are managing by the file names generated by the name-generating section and managing by a result of classifying by the classifying section” at col. 11, line 23 to col. 12, line 14.

**As to claims 13-15,** Aoi teaches “the name-generating section gives, to each said microscope image data acquired, the file name generated according to set structure information, until the structure information is reset by the structure information setting section” at col. 12, line 27 to col. 13, line 9, col. 9, line 42 to col. 10, line 30, col. 11, line 23 to col. 12, line 14.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoi et al. (US Patent No. 6,704,465 B2), in view of Hatanaka et al. (US Patent No. 6,438,320 B1).

**As to claims 5, 11,** Aoi teaches “a display section for displaying a image that is a reduced image of an image corresponding to the microscope image data stored in said managing section” at col. 10, line 31 to col. 11, line 18;

“a displaying condition setting section for setting, as a displaying condition to be used for selecting the image to be displayed by the thumbnail display section, information that is included in the file name corresponding to the image to be displayed” at col. 10, line 31 to col. 11, line 18, wherein

“said display section selects the file name including the information that is set as the displaying condition by the displaying condition setting section, from file names of the microscope image data stored in said managing section, and displays the image corresponding to the selected file name” at col. 10, line 31 to col. 11, line 18.

Although Aoi does not explicitly teach “a thumbnail image”, Hatanaka teaches this limitation at col. 4, lines 5-14, col. 5, lines 13-45, col. 5, lines 16-44, col. 5, lines 16-44.

It would have been obvious to one ordinarily skilled in the art at the time of the invention to combine the teachings of Aoi with the teachings of Hatanaka to implement “thumbnail images” because it would provide users a file management system of an image pickup apparatus such that in case of storing recording image data as a file into a storage device, even if a storage medium is exchanged, so long as the data is recorded by the same image pickup apparatus, a peculiar file name is automatically formed for a recording image.

***Response to Arguments***

7. Applicant's arguments regarding none of the applied reference disclose or suggest the amended claimed limitations as “a file management apparatus for microscopes, including at least a structure information setting section enabling a user to arbitrarily set beforehand structure information that defines structure of a file name by showing a file name setting screen on a display, the file name being given to the microscope image data acquired by the image data acquiring section when the microscope image data is stored in a memory, as recited in independent claim 1, and similarly rejected in independent claims 6, 7 and 12, have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene, can be reached on (571) 272-4107. The fax number to this Art Unit is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Miranda Le*  
Miranda Le  
March 04, 2005

